

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
244-01

Effective Date:
08/10/2016

Subject:
Juvenile Operations

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

To develop and implement programs designed to prevent and control juvenile delinquency within the City of Farmington.

POLICY:

It is the policy of the Farmington Police Department to develop and maintain law enforcement operations and programs which have an emphasis on the rehabilitation of the juvenile, when appropriate, rather than on the routine use of other lawful objectives, which rely on judicial punishment and incarceration, in response to criminal activities involving juvenile offenders.

PROCEDURE:

The Farmington Police Department is committed to the development, implementation, and continuation of programs designed to prevent and control juvenile delinquency within the City of Farmington.

The Farmington Police Department Juvenile Unit performs functions which include the following:

1. Developing and implementing programs to prevent and control delinquency;
2. Follow-up on juveniles detained;
3. Prepare court cases in which a juvenile offender is involved;
4. Evaluate and determine what action is to be taken with the juvenile offender, while attempting to divert the juvenile out of the judicial system, when appropriate;
5. Maintaining liaison with Farmington Municipal Schools in addition to any agencies providing services to the juvenile community members.

Juvenile Unit:

The Department's Juvenile Unit will consist of the following:

School Resource Officers (SRO's) are assigned to the Detective Division under the command of the Detective Lieutenant, Detective Sergeant, and a Detective Corporal, ~~and the SRO Coordinator~~. Their responsibilities may include, but are not limited to:~~will include:~~

1. Investigating delinquent acts committed by juvenile offenders;
2. Coordinating and maintaining the Department's Diversion Program;
3. Determining final resolutions for juvenile investigations;
4. Conducting preliminary and follow-up investigations directly related to the school;
5. Acting as a guest lecturer as requested by the school;
6. Monitoring security matters and safety concerns at the school;
7. Acting as a liaison between the school and the Police Department.

All SRO's receive appropriate training and periodically attend training sessions which focus on youth issues as they relate to law enforcement as well as in applicable law enforcement related topics.

Formulating Programs and Policies:

The Department will solicit input from organizations dealing with youths and members of the Juvenile Justice System when formulating new programs and policies that deal with juvenile matters. Some of these organizations are:

1. New Mexico Juvenile Probation and Parole;
2. New Mexico Eleventh Judicial District Attorney, District 1 (one);
3. Children's Court;
4. Human Services (Families In Need of Services);
5. Area school districts.

Input from these various agencies will be solicited during the formulation of any new programs or policies and when needed in the revision of existing programs or policies. Input will be solicited during the San Juan County Juvenile Justice Committee meetings, in which each of the the listed agencies are members. These meetings are held on a monthly basis.

Shared Responsibilities:

All Department personnel shall support the function of the Juvenile Unit and maintain a working knowledge of Chapter 32A of the New Mexico State Statutes regarding the Children's Code, as necessary.

Evaluation of Programs:

Yearly evaluations of the juvenile enforcement and diversion programs will be completed for the purpose of determining how effective these programs are. The evaluations will be conducted by the Detective Corporal, ~~SRO Coordinator~~. These evaluations will be forwarded to the Chief of Police through the chain of command.

Selection of Reasonable Alternatives:

When investigating offenses or incidents involving juvenile offenders, Officers will use the most appropriate alternatives.

These alternatives may include any of the following:

1. Warning letter sent to the juvenile and parent(s);
2. Reprimand and Release with no further action;
3. Reprimand and Release with referral to a social service agency on a voluntary basis;
4. In-House Supervision at school, when appropriate;
5. Request for charges.

Before an alternative is chosen, the investigating officer(s) will make an inquiry to determine what, if any, prior contacts the juvenile has had with law enforcement.

Factors Considered in Diversion:

When making a decision to divert a juvenile offender from the Juvenile Justice System, SRO's will consider the following factors:

1. The nature and seriousness of the alleged offense;
2. The maturity level and age of the juvenile;
3. Prior record of the offender;
4. The availability of community-based rehabilitation programs.

Alternatives to Court Charges:

Reprimand and Release dispositions and In-House Supervision dispositions require the SRO to complete the following:

1. Review all completed reports;
2. Contact the juvenile offender's parent(s) or guardian(s) and inform them of the investigation, if necessary. Request they come to the Police Department, or school if applicable, with the juvenile offender for an interview;
3. Conduct the interview and seek insight into the juvenile's behavior;
4. Gather and weigh all factors to determine the most appropriate resolution to the case.
5. If a warning is deemed appropriate, a letter may be sent to the parent(s), guardian(s), or custodian advising them no further action will be taken.

Charging a Juvenile Offender:

In instances where an SRO determines that it is in the best interest of a juvenile accused of a delinquent act to be charged into Children's Court, the following guidelines will be followed:

1. All delinquent acts that, if committed by an adult, would be felonies;
2. All delinquent acts involving weapons;
3. All serious, gang-related, delinquent acts;
4. All delinquent acts involving aggravated assault and battery;
5. All delinquent acts committed by juveniles on probation or parole, or by those with a case already pending;
6. All repeated delinquent acts committed within 12 months of a prior offense;
7. Juveniles who have been selected for a diversion program, but have refused to participate;
8. Cases in which it has been determined that parental supervision is not effective;
9. All driving while under the influence of intoxicating liquor and/or drugs;
10. Cases in which it has been determined that the juvenile may be responsible for multiple acts of criminal damage to property (i.e. graffiti, tagging or vandalism).

Procedures for Charges:

SRO's should use discretion when determining dispositions in juvenile matters. Such discretion should be consistent with, and adhere to, uniform standards. SRO's shall complete the following steps in filing charges.
The following types of offenses qualify for charge requests:

1. Advise both the parent(s) and juvenile that formal charges are being requested;
2. Ensure the elements of the offense have been met;
3. Refer all reports and recommendations to the Office of the District Attorney and Juvenile Probation and Parole.

Non-Custodial Dispositions:

There will be instances when juvenile offenders may be referred to the Justice System instead of taking them into physical custody.

Written Citations:

All traffic offenses are under the jurisdiction of the Municipal or Magistrate Courts as provided under N.M.S.A. 32A-2-29, Motor Vehicle Code Violations. The exceptions to this are offenses which are delinquent acts under N.M.S.A. 32A-2-3(A)(1). These violations should fall under the Children's Court Jurisdiction. The delinquent acts are:

1. Driving while under the influence of intoxication liquor and/or drugs;
2. Failure to stop in the event of an accident causing death, personal injury, or damage to property;
3. Unlawful taking of a vehicle or motor vehicle;
4. Receiving or transferring a stolen vehicle or a motor vehicle;
5. Homicide by vehicle;
6. Injuring or tampering with a vehicle;
7. Altering or changing of an engine number or other vehicle identification numbers;
8. Altering or forging of a driver's license or permit or any making of fictitious license or permit;
9. Any offense which is punishable as a felony;
10. Reckless driving;
11. Driving on a Suspended or Revoked License.

Farmington Police Department Citations may be issued to juveniles if the following criteria are met:

1. Must be a minor misdemeanor offense;
2. Cannot be a felony or Families In Need of Services (FINS) offense;

3. Citations are fully completed in accordance with the instructions listed on the front of the citation booklet.

Charge Request- [A an](#) SRO will have the discretion to request a charge on a juvenile offender without custodial detention or custody when the circumstance is appropriate.

Taking Juveniles into Custody:

Family In Need of Services:

1. A juvenile detained for a FINS offense should be released to a parent, guardian, or a custodian with an Agreement to Appear form being signed by the child and parent or guardian;
2. If a parent, guardian, or custodian is unable or unavailable to accept custody, the child should be placed in [the Juvenile Assessment Center or into Childhaven. Prior approval from Social Services is required for placement into Childhaven. If Childhaven is unable to accept the child, the Officer will work with Social Services on the disposition of the child. Childhaven;](#)
3. ~~In the event Childhaven is unable to accept the child, Social Services must be contacted for disposition of the child;~~
4. FINS offenders cannot be cited with a Farmington Police Department citation and released as this would allow the offense to continue;
5. A FINS offender may not be booked into detention except in the following examples: Out of State Runaway; Children's Court pick-up order is on file; or the child is on probation or parole and the child's probation or parole officer has authorized that the child be detained.

Neglected or Abused Children:

1. Juveniles who are taken into custody as a result of abuse or neglect will be handled in accordance with N.M.S.A. 32A-4-6(A)(1);
2. The Department of Human Services will be notified, as per N.M.S.A. 32A-4-3;
3. The child will then be placed in Childhaven or a facility authorized by Human Services;
4. The child may also be turned over directly to Human Services;
5. If an alleged child abuse or neglect victim requires medical treatment or an examination, the Department of Human Services shall be immediately notified and, preferably, present at the hospital during any treatment procedures (when possible).

In-Custody Procedures:

Officers must follow these guidelines when taking a juvenile into custody for a delinquent act:

1. Ensuring the constitutional rights of juveniles are protected;
2. Immediately make an attempt to notify the parent or other person legally responsible for the juvenile's care. If unable to contact a parent or someone legally responsible, attempt to find an adult relative who can take responsibility for the juvenile. In instances where no one can be located, the Juvenile will be transported to the Juvenile Assessment Center. Staff will contact Juvenile Probation and Parole and ask permission to detain the juvenile at the San Juan County Detention Center. Should the offense not warrant detention, the juvenile can be placed at the Assessment Center; until a parent or legally responsible person can be notified;
3. Complete all report documents;
4. If a juvenile is to be taken to the San Juan County Detention Center or Assessment Center, they will be taken without unnecessary delay. The Detention Center will be notified by telephone that the juvenile is being taken to their facility.

Interrogation of Juveniles:

The following guidelines are meant to assist the Officer when conducting a custodial interrogation of a juvenile accused of a delinquent act. When a juvenile is in custody for a delinquent act and is subject to interrogation:

1. The juvenile will be allowed parental and/or attorney contact prior to the interview if he/she so chooses;
2. Advise the juvenile of all their constitutional rights and secure a knowing, intelligent and voluntary waiver of their rights as indicated in N.M.S.A. 32A-2-14 (C); Juveniles under the age of fourteen years of age should be able to verbally explain what each right means.
3. Limit the duration of the questioning to a reasonable period to avoid undue stress for the juvenile, keeping in mind that the court determines whether the juvenile knowingly, intelligently and voluntarily waived his or her rights by the factors listed in N.M.S.A. 32A-2-14(E);
4. No more than two Officers will be involved in the interrogation at one time;
5. Explain the Department's procedures and the procedures for any forthcoming actions that might be possible with the Juvenile Justice System.

Social Service Agencies:

The Department will have listings for social service agencies readily available for use by law enforcement officers.

School Liaison Program:

Upon request, the Department, through the efforts of the School Resource Officers Program, will fulfill the following responsibilities within the school environment:

1. Act as a resource with respect to delinquency prevention;
2. Provide guidance on ethical issues in the school classroom setting;
3. Provide classroom instruction on law enforcement related topics;
4. Provide limited counseling to students on an individual basis, when appropriate;
5. Refer students and staff to additional resources which are available to provide assistance;
6. Be available to provide assistance concerning any law enforcement related problems occurring on school property.

Participation in Community Involved Youth Programs:

The Farmington Police Department supports youth programs through the following means:

1. Sponsorship of a summer program conducted by School Resource Officers;
2. ~~Assistance with the Farmington Boy's and Girl's Club Summer Program;~~
3. Participation in other appropriate community youth programs.

Processing of Juvenile Offenders:

The San Juan County Juvenile Detention Center will do the processing of juvenile offenders being placed in detention.

1. A juvenile under the age of 13 who is alleged or adjudicated to be a delinquent juvenile shall not be fingerprinted or photographed for identification purposes without a court order per N.M.S.A. 32A-2-14(I);
2. If the suspected offender refuses to be fingerprinted and/or photographed, a court order must be obtained;
3. Fingerprints and photographs taken of juveniles by this department will be retained in the juvenile's confidential file which is located in the Juvenile Division;
4. These same procedures apply to obtaining handwriting samples, blood samples, hair samples, etc. The only exception to this procedure will be in cases of Driving While Under the Influence of Intoxicating Liquor or Drugs under New Mexico's Implied Consent Law.

Agency Records Pertaining to Juveniles:

In order to conform to legal requirements governing the confidentiality of juvenile records, the following guidelines will be adhered to:

1. All arrest and identification records regarding juveniles will be kept separate from adult records. All original juvenile files are ~~stored-scanned into the AS400 records management system at in~~ the Juvenile Division located in the Detective Division of the Farmington Police Department. These "Juvenile Files" ~~are locked, controlled, and are~~ maintained by the Juvenile Detective Secretary under the supervision of the Juvenile Detective. Information contained in these files is available to police officers who are actively investigating the individual, and to Juvenile Probation Officers with the Department of Children Youth and Families who are assigned a case pertaining to the juvenile. The Children's Court Attorney representing the District Attorney's Office which is handling the prosecution, or the child's parent or Defense Attorney may also have access to the information through our Records Division;
2. Background Checks: Information from these files is available ~~to agencies requiring for performing a background check, with a signed waiver from the individua~~. The information is compiled by the ~~Records Technician Juvenile Detective Secretary~~ and placed in the form of a letter to that agency, listing the date of the offense, the requested charges and this department's disposition;
3. Computer records of juveniles are stored as "Jackets" in the computer system and are known as "Juvenile Profile Sheets." A juvenile in the system would have an individual jacket number with a "J" suffix indicating a juvenile record. This is done for every juvenile in the system. A delinquent offender is linked to a specific charge in relation to a specific case number. A delinquent offender is linked to a specific charge in relation to a specific case number. A juvenile jacket may be also linked to a non-delinquent offense; such as runaway, suicide attempt, and miscellaneous information reports;
4. True "Confidential Juvenile Records" are maintained by the New Mexico Department of Children Youth and families. Confidential Juvenile Records are defined in the Children's Code of N.M.S.A. 32A-2-32. These records and dispositions are accessible by agencies listed in the statute;
5. Sealing of juvenile records can only be accomplished by valid court order or written directive from Children Youth and Families. All sealing of records will be handled by the Records Division. The guidelines to be followed will be in accordance with N.M.S.A. 32A-2-26.

Accountability for the Collection and Access to Juvenile Records:

The Farmington Police Department Records Division is responsible for the collection, dissemination, and retention of juvenile records. All requests for access to juvenile records will be through the Records Division or the City Clerk.

Emancipated Juvenile Archiving Process:

The archiving of files in reference to juveniles that have reached the age of majority (18) is the responsibility of the Juvenile Detective Secretary under the supervision of the Juvenile Detective. ~~This process is done bi-monthly and the procedure is as follows:~~This process is automated in the AS400 and hard copy files are maintained through the RMS system in the Records Division.

Original files are removed from the juvenile area;

1. ~~The original files are reconciled with the computer files;~~
2. ~~Forms and handwritten supplements outside the computer generated report are scanned into the computer file;~~

3. ~~Traffic and non-traffic citations are forwarded to the Records Division;~~
4. ~~A subject note is created in the Juvenile Jacket indicating the month, day, and year the record was archived and that the juvenile is now over 18 years of age;~~
5. ~~The new jacket is printed and stored in a separate file cabinet along with any photos of the juvenile. This file is called the "Over 18" file which is strictly for emancipated juveniles. This is typically used for background checks that are common to the Juvenile Division;~~
6. ~~All other original files not pertinent to the case are marked for destruction.~~